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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/015,753 12/17/2001		Jidong Xu	13831.00008	2827		
27160	7590 10/14/2003		EXAMINER			
PATENT ADMINSTRATOR KATTEN MUCHIN ZAVIS ROSENMAN			VY, HUNG T			
525 WEST M	ONROE STREET		ART UNIT	PAPER NUMBER		
SUITE 1600			2828			
CHICAGO, I	L 60661-3693		DATE MAIL ED: 10/14/2003	DATE MAILED: 10/14/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Applicant(s)				 .		156				
Examiner Hung T Vy -The MALING DATE of this communication app are on the cover she t with th correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MALIND DATE OF THIS COMMUNICATION. E devaration of time may be available under the processors of 37 CFR 1.136(a). In no event, however, may a raply be timely filled If NO period for reply, is expelled above, the maximum stabulatory period will epily and will equally \$1.00 km. a reply which the dataflory minimum of thinky (30) days, a laply which the dataflory minimum of thinky (30) days, and will be considered timely. If NO period for reply, is expelled above, the maximum stabulatory period will epily and will equally \$1.00 km. a reply which the dataflory minimum of thinky (30) days, and will be considered timely. If NO period for reply, is expelled above, the maximum stabulatory period will epily and will equally \$1.00 km. a reply within the stabulatory meriod will epily and will equally \$1.00 km. a reply within the stabulatory meriod will epily and will equally \$1.00 km. a reply will be considered timely. If NO period for reply, is expelled above, the maximum stabulatory period will epily and will equally \$1.00 km. a reply will be considered to the communication. Particle by the construction of the communication of the communication of the communication. The subor this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C. D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-9 and 11 is/are pending in the application. 4a) Of the above daim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 5) Claim(s) is/are allowed. 6) Claim(s) 1-9 and 11 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 1-9 and 11 is/are rejected. 7) Claim(s) is/are allowed. 8) Claim(s) 1-9 and 11 is/are rejected. 7) Claim(s) are subjected to by the Examiner. 10) The dr	, 1		Application	No.	Applicant(s)					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Ederatement of time rays to available under the provisions of 37 CFR 1.35(a), in no event, however, may a rayly be timely filled. Ederatement of time rays to available under the provisions of 37 CFR 1.35(a) in no event, however, may a rayly be timely filled. Ederatement of time rays to available under the provisions of 37 CFR 1.35(a) within the statutory minimum of thirty (20) days will be considered timely. If the period for reply is appelled above, the maximum statutory period will apply and will expose 31 K (6) MOSTHS from the mailing date of this communication. If the period for reply is appelled above, the maximum statutory period will apply and will expose 31 K (6) MOSTHS from the mailing date of this communication, even if timely filled, may reduce any counted places from adjustment. See 37 CFR 1.784(b). Status 1) ☑ Responsive to communication(s) filled on amendent filled on 08/07/2003. 2a) ☑ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) — 3 and 11 is/are rejected. 5) ☐ Claim(s) — 3 and 11 is/are rejected. 7) ☐ Claim(s) — 3 are subject to restriction and/or election requirement. Application Papers 9) ☐ The drawing(s) filed on — is/are allowed. 10) ☐ The drawing(s) filed on — is/are. all accepted or bi ☐ objected to by the Examiner. Application Papers 9) ☐ The drawing(s) filed on — is/are. all accepted or bi ☐ objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All bi ☐ Som										
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Application/Control Number: 10/015,753

Art Unit: 2828

DETAILED ACTION

1. In response to amendment filed on 08/07/2003, claims 1-9 and claim 11 are pending in this application as a result of cancellation of the claim 10 and additional of the claim 11.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 11 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Poustie et al., U.S. patent No. 5,796,891.

Regarding claims 1-2, and 11, Poustie et al. discloses a multi -wavelength laser source (MWLS) system, comprising: first and second lasers (multi- λ source) having first (f₁) and second (f₂) lasing frequencies (Fig 14), respectively; means for amplifying combined signals of said first and second lasers (Er/Yb Fibre Amplifirer), means for multiplying the amplified combined signals to yield comblike multi-channel WDM (Comblike Dispersion Profiled Fibre) laser signals comprising a plurality of more than two channels separated from each other by a frequency equal to the difference between f₁ and f₂ (See column 9, line 32-52).

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Regarding claims 3-6, Pustie et al. discloses system, wherein predetermined propagation characteristics being propagation mode (See abstract), dispersion and length (See column 9, line 37-52 and fig. 14), dispersion shifted fiber (DSF) sections (See F1g. 14).

Claim Rejections - 35 U.S.C. § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth insection 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Poustie et al., U.S. patent No. 5,796,891.

Regarding claim 7-9, Waarts et al. discloses the claimed invention except for length of fiber, dispersion value and frequency of f₁ and f₂. It would have been obvious to one of ordinary skill in the art at the time the invention was made to the same value of length, dispersion value and frequency, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

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Response to Arguments

- 4. Applicant's arguments filed on 08/07/2003 have been fully considered but they are persuasive. Therefore, the rejection has been withdrawn. However, the claims are moot in view of the new ground(s) of rejection.
- 5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (703) 605-0759. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Paul IP can be reached on (703) 308-3098. The fax numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Hung T. Vy Art Unit 2828

September 30, 2003